

An essential element of a 42 U.S.C. § 1983 action is that a person acting under color of state law committed the asserted constitutional deprivation. *American Manufacturers Mutual Ins. Company v. Sullivan*, 526 U.S. 40, 49–50 (1999). In his objections, Millette fails to

show that his attorney engaged in any action under color of state law. Accordingly, it is

ORDERED that:

1. The Objections are OVERRULED.
2. The Court ADOPTS the Recommendation of the Magistrate Judge.
3. The case is DISMISSED with prejudice before service of process.

A separate Judgment will be entered.

DONE this 18th day of November, 2021.

/s/ W. Harold Albritton  
W. HAROLD ALBRITTON  
SENIOR UNITED STATES DISTRICT JUDGE